

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION

IN RE: DIGITEK PRODUCT LIABILITY
LITIGATION

MDL NO. 1968

THIS DOCUMENT RELATES TO ALL CASES

DEFENDANTS' MOTION TO STRIKE AFFIDAVIT OF LYNNE FARRELL

Defendants respectfully move this Court to enter an Order striking Plaintiffs' proffered affidavit of Lynne Farrell, Doc. 562, from the record. Ms. Farrell's declaration, filed on August 29, 2011—well after the close of discovery, three weeks after Defendants' dispositive and *Daubert* motions were filed, and after the deadline for Plaintiffs' responses to Defendants' dispositive motions—is barred because it is untimely, it is hearsay, and it is unreliable. In support of this Motion, Defendants expressly incorporate the arguments set forth in Defendants' Reply Memorandum in Support of Defendants' Motion in Limine to Exclude Unreliable Hearsay. (Doc. 571).

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on September 7, 2011, a copy of the foregoing **DEFENDANTS' MOTION TO STRIKE AFFIDAVIT OF LYNNE FARRELL** was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

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